IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8167 OF 2005

Shri Ritesh Jankinandansingh Pardeshi ..Petitioner

Vs.

The Bombay Municipal Corporation and ors. ..Respondents

Ms.P.P. Tendulkar h/f Mr. M.S. Karnik for petitioner.

Mr. J.S. Saluja h/f Mr. H. Toor with Ms. R.N. Vora for respondent nos.2 to 4.

CORAM: B.H. MARLAPALLE & J. H. BHATIA,JJ.

Dated: December 22, 2006.

P.C.:

1. We have heard this petition from time to time and by the earlier order dated 7/10/2006 we had directed a fresh medical examination of the petitioner and to be conducted by the Professor and H.O.D. of Ophthalmology at Lokmanya Tilak General Hospital, Sion.

2. In obedience of the said order, the Acting H.O.D. of Ophthalmology at the Lokmanya Tilak,

Municipal Corporation Hosptial, Sion examined the petitioner and opined that the petitioner was medically fit. Undoubtedly the said opinion was subject to the final decision of the Medical Board duly constituted and the fresh opinion of the Acting H.O.D. was placed before the Medical Board consisting of four doctors and it was head by Professor Dr. Arjun S. Ahuja, H.O.D., Ophthalmic Department, L.T.M.M. College, Sion Hospital and the said Board by its report dated 14/12/2006 has declared the petitioner as medically unfit.

3. The opinion of the Medical Board which does not favour the petitioner cannot be a subject matter of an appeal before us and when a body of specialised doctors has recorded its opinion, we will have to treat that the petitioner is unfit medically and, therefore, his prayer made in this petition cannot be entertained.

4. The petition is rejected summarily.

(J.H. Bhatia, J.) **(B.H. Marlapalle,J.)**